

1 UNITED STATES DISTRICT COURT  
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3 DISTRICT OF NEVADA  
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6 FRANK LIU,

7 Case No. 3:22-cv-00551-CLB

8 Plaintiff,

9 v.

10 CITY OF RENO, et. al.,

11 ORDER DIRECTING CLERK TO  
12 RANDOMLY REASSIGN CASE TO  
13 DISTRICT JUDGE FOR DECISION ON  
14 MOTION TO WITHDRAW CONSENT  
15 AND STAYING CASE

16 Defendants.

17 On May 18, 2023, this case was referred to the undersigned on consent in  
18 accordance with 28 U.S.C. § 636. (ECF No. 23.) On September 23, 2023, Plaintiff Frank  
19 Liu filed a motion to withdraw his consent to proceed before a magistrate judge. (ECF No.  
20 42.)

21 In 2019, the Ninth Circuit explicitly ruled only a district judge may rule on a motion  
22 to withdraw consent to the jurisdiction of a magistrate judge. *Branch v. Umphenour*, 936  
23 F.3d 994, 1001-02 (9th Cir. 2019) (citing 28 U.S.C. § 636(c)(4); Fed. R. Civ. P. 73(b)(3));  
24 see also *Brown v. Leachman*, 2018 WL 827233 at \*1 (N.D. Cal., Mar. 4, 2021) (order from  
25 magistrate judge in consent case wherein the appellate court directed the magistrate to  
transfer the case such that a district judge could decide, in the first instance, whether  
or not the plaintiff should have been permitted to withdraw consent to proceed before  
a magistrate judge).

26 Accordingly, the Clerk shall randomly reassign this case to a district judge for  
27 decision on the motion to withdraw consent, (ECF No. 42). Additionally, all deadlines shall  
28 be stayed until a decision on the motion to withdraw consent is rendered.

29 **DATED:** September 25, 2023.

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31 UNITED STATES MAGISTRATE JUDGE